

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: ABERG *et al.*

Serial No.: 09/039,260

Art Unit: 1623

Filed: March 16, 1998

Examiner: L. Crane

For: COMPOSITIONS OF  
DESCARBOETHOXYLORATADINE

Attorney Docket No.: 4821-306

AF-11623  
RECEIVED  
JAN 20 2004  
TECH CENTER 1600/2900

**SUPPLEMENTAL PETITION FOR  
EXTENSION OF TIME UNDER 37 CFR § 1.136(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is submitted further to a Petition for Extension of Time filed in connection with the above-referenced patent application on January 6, 2003. In that petition, Applicants requested that the time for filing a Reply Brief be extended by one month, from January 7, 2004 to and including **February 7, 2004**.

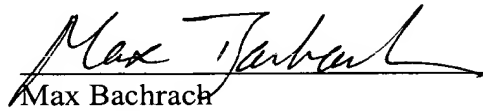
Applicants would first like to thank Examiner William Dixon for the courtesy he extended their attorney, Max Bachrach, during a telephone conversation held on January 7, 2004. As mentioned during the conversation, the Petition for Extension of Time should be granted for several reasons in addition to the fact that the original due date fell immediately after the holiday season.

In particular, the law firm of Pennie & Edmonds, LLP, which was responsible for this case, dissolved on December 31, 2003. The undersigned attorneys are now with the firm of Jones Day. The movement to another firm required the clearance of literally thousands of conflicts, during which time the prosecution of this case was necessarily suspended. In addition, the Pennie & Edmonds attorney who had been responsible for the day-to-day prosecution of this matter chose not to join Jones Day. All of these factors combined to make it particularly difficult to prepare a suitable Reply Brief in the time allotted. Consequently, Applicants respectfully request that the due date for filing the Reply Brief be extended by one month.

No fee is believed due for this submission. If any fees are required, however, please charge such fees to Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully Submitted,

Date: January 7, 2004

 45,479  
Max Bachrach (Reg.No.)

**Jones Day**  
1667 K Street, N.W.  
Washington, DC 20006  
(202) 496-4400

*For:* Anthony M. Insogna (Reg. No. 35,203)

**Jones Day**  
12750 High Bluff Drive, Suite 300  
San Diego, CA 92130  
(858) 314-1200

Enclosure